

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JOBSITE STEEL MANUFACTURING, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 3:18-CV-114-DCLC-HBG
)	
FRAMECO, INC., a/k/a FRAMECO)	
FRAMING, INC., a/k/a METAL FRAMING)	
INDUSTRIES, LLC, and)	
JOSHUA MENSINGER,)	
)	
Defendants.)	

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.¹

Now before the Court is a Motion to Compel Discovery Responses [Doc. 35], filed by Defendant FrameCo, Inc., (“FrameCo”). Plaintiff responded [Doc. 36], stating that the Motion is moot because Plaintiff served its discovery responses on April 17, 2019. FrameCo filed a Reply [Doc. 37], stating that it is still seeking its attorney’s fees and costs associated with filing the Motion pursuant to Federal Rule of Civil procedure 37(a)(5).

By way of background, the Court set an informal telephone conference with the parties on February 13, 2019. During the telephone conference, it appeared that the parties had not engaged in a meaningful meet and confer to resolve their discovery disputes. *Brady v. LTD Parts, Inc.*, No. 2:08-0058, 2009 WL 2224172, at *1 (M.D. Tenn. July 22, 2009) (explaining that parties are

¹ This case was reassigned to District Judge Clifton Corker on August 9, 2019.

required to engage in meaningful attempts to resolve discovery disputes prior to filing motions to compel). The Court ordered the parties to meet and confer by February 28, 2019. Further, the Court instructed the parties to contact Chambers if they encountered further discovery issues.

Rule 37(a)(5) provides that if the discovery is provided after the motion is filed, the Court must award reasonable expenses, unless (i) the movant filed the motion before attempting in good faith to obtain the disclosure or discovery without court action; (ii) the opposing party's nondisclosure, response, or objection was substantially justified; or (iii) other circumstances make an award of expenses unjust. The Court finds that FrameCo did not properly exhaust the discovery dispute procedure outlined in the Scheduling Order, and therefore, the Court declines to award reasonable expenses. *See* [Doc. 15 at 4]. Accordingly, the Court **DENIES** the Motion to Compel [Doc. 35].

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge